

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

**LESSARD, et al,**

Plaintiffs,

-vs-

Case No. 00-74306

Hon. John Feikens

**CITY OF ALLEN PARK, et al**

Defendants.  
\_\_\_\_\_ /

**ORDER APPROVING CLASS ACTION**  
**SETTLEMENT AND AWARDING ATTORNEY FEE**

This matter having come before the Court, on stipulation and agreement by and between the parties to the Consolidated Actions, titles **Lessard, et al, Plaintiffs, v. City of Allen Park, et al, Defendants**, Case No. 00-74306, through their respective counsel of record, following Notice to the Certified Plaintiffs' Class and hearing as prescribed by Federal Rule of Civil Procedure 23(e)(1)(A)(B) and (C), conducted before this Court on April 5, 2005.

**IT IS HEREBY ORDERED:**

(1) This litigation shall be settled by the creation of a Class Settlement Fund in the amount of Twelve Million Seven Hundred and Fifty Thousand Dollars (\$12,750,000.00). The Class Settlement Fund shall be funded by the Defendants to this Consolidated Litigation. The Defendants will contribute to the Class Settlement Fund in the following amounts.

- a. Wayne County, \$5,500,000.00.
- b. Allen Park, \$3,350,000.00
- c. Southgate, \$2,625,000.00
- d. Taylor, \$500,000.00
- e. Dearborn Heights, \$325,000.00
- f. Ecorse, \$195,000.00
- g. Lincoln Park, \$150,000.00
- h. Inkster, \$100,000.00
- i. Riverview, \$5,000.00

(2) The Defendants, individually, shall pay the sums identified above to the order of the Basement Flooding Settlement Fund at a banking institution to be designated by this Court for purposes of establishing “The Class Settlement Fund.” The funds shall be held in trust for the Certified Plaintiffs’ Class and shall be deposited into an interest-bearing account. All interest on the account shall be made part of the Class Settlement Fund.

(3) Subject to approval of this Court upon separate motion, Plaintiffs’ Class Counsel shall be paid a reasonable attorneys’ fee equal to one-third of the amount of the Class Settlement Fund after the deduction of non-taxable costs. Said attorney fees and non-taxable costs shall be paid from the Class Settlement Fund to Plaintiff’ Class Counsel as and when directed by this Court, and shall satisfy any and all claims for attorney fees from any counsel to these proceedings, including counsel to any members of the “Certified Plaintiffs Class” and any person or entity obtaining exclusion from the class,

and counsel to all Plaintiffs to the Consolidated

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Litigation. Plaintiffs' Class Counsel shall share said attorney's fee with counsel for the named Plaintiffs in the consolidated actions in the manner provided in Paragraph (27) of the Class Action Settlement and Release Agreement.

(4) The Class Settlement Fund shall be distributed to Members of the "Certified Plaintiffs Class" as provided in the Order Appointing Special Master and Establishing Procedures for Administration of Settlement.

(5) This Court shall retain jurisdiction to resolve any dispute regarding the distribution of the attorney fee, the Plaintiffs' Class Settlement Fund, the interpretation or enforcement of the terms of the Settlement Agreement between the parties hereto, any disputed questions of law or fact with respect to the validity of the Certified Plaintiffs' Class or its members' entitlement to participate in or be excluded from or be bound by the settlement and any claim made by any person or entity excluded from the Certified Plaintiffs' Class.

\_\_\_\_\_/s/\_\_\_\_\_  
John Feikens  
U.S. District Judge

Dated: April 5, 2005

